

Chapter 2.50

APPOINTED OFFICERS AND EMPLOYEES

- 2.50.010 Structure of executive branch**
- 2.50.020 Creation of city offices and departments.**
- 2.50.030 Statutory officers.**
- 2.50.040 General duties of directors of offices and departments.**
- 2.50.050 Personnel policies and procedures generally.**
- 2.50.060 Personnel director.**
- 2.50.070 Equal opportunity employer.**
- 2.50.080 Rules of conduct.**
- 2.50.090 Personnel file.**
- 2.50.100 Compensation.**
- 2.50.110 Benefits.**
- 2.50.120 Sexual harassment.**
- 2.50.130 Discipline.**
- 2.50.140 Term of office**
- 2.50.150 Separation from service.**
- 2.50.160 Internal grievance procedure.**

2.50.010 Structure of executive branch.

A. The executive branch of city government is headed by the city manager, and consists of the various departments, offices, officers, boards and commissions designated in this title and other applicable ordinances.

B. The executive branch is structured into the following departments and offices, each of which is headed by a department director or other officer designated in this title, and all of which are subordinate to the city manager:

1. Community development department;
2. Public works department;
3. Finance department;
4. Treasury department;
5. Administrative services department;
6. Office of the city attorney;
7. Fire department; and
8. Police department.

2.50.020 Creation of city offices and departments.

A. The city manager, with the advice and consent of the city council, may create any office or department deemed necessary for the city's executive branch to accomplish its administrative functions. With advice and consent of the city council, the city manager shall appoint or delegate the power to appoint such personnel as are necessary or advisable to fulfill the duties and obligations of any office or department created under this title.

B. The services of certain of the city's statutory officers, departments or divisions, or heads or staff thereof, as determined by the city manager with advice and consent of the city council, may be provided by third-party providers pursuant to written agreements approved by the city council.

2.50.030 Statutory officers.

The city's statutory officers consist of the city recorder, the city treasurer, the city director of finance, the city budget officer, the city attorney and the city engineer. All of the city's statutory officers shall be appointed and removed from office by the city manager with advice and consent of the city council. Except as otherwise specified in this title, all of the city's statutory officers report directly to the city manager and are subject to the city manager's supervision and control, notwithstanding that certain of the city's statutory officers may be grouped, for organizational purposes, in a city department led by another statutory officer or department head.

2.50.040 General duties of directors of offices and departments.

A. Each director of a city office or department shall perform all duties required of his office by state law, by this code and other ordinances of the city, and such other

duties as may be properly required by the city manager.

B. Subject to the direction and control of the city manager, each director shall:

1. Be immediately responsible to the city manager for the effective administration of his office or department and all activities assigned to such office or department.

2. With the approval of the city manager, develop and maintain an up-to-date departmental policies and procedures manual containing policies, procedures and instructions for carrying out departmental operations in conformity with law and other city policies and in an efficient and effective manner. Such rules and regulations shall be subject to review and modification by the city manager.

3. Keep informed as to the latest practices in his particular field and inaugurate, with the approval of the city manager, such new practices as appear to be of benefit to the city's administrative services and to the public.

4. Regularly report to the city manager concerning the activities of his office or department.

5. Establish and maintain a system of filing and indexing records and reports in sufficient detail to furnish all information necessary for proper control of departmental activities and to form a basis for the periodic reports to the city manager.

6. Have power, when authorized by the city manager, to appoint and remove, subject to personnel rules and regulations, all subordinates under him.

7. Exercise authority over all subordinates, including documentation of any personnel actions, goals or conduct.

8. Be responsible for the proper maintenance, care and inventory of all city property and equipment used in his office or department.

9. Designate, with the city manager's approval, an assistant director or acting

director to perform such duties as are assigned during his absence or inability to act.

10. Assign and reassign subordinates to such offices, duties and responsibilities as are necessary to accomplish the director's duties and other assignments of the city manager.

11. Provide for the education and training of subordinates.

12. Prepare and submit to the city manager a tentative departmental budget.

13. Be responsible to keep expenditures of the department within the budget approved by the city council.

14. Deliver all records, documents and property of every description, belonging to the office or to the city, to his successor in office.

15. Implementation of departmental emergency procedures as provided in the city's emergency management plan.

C. Each director shall have such authority as is necessary to enable him to carry out the duties and responsibilities assigned to him by this section or by direction of the city manager. The designation of a duty or responsibility shall constitute such authority as is necessary to effect the duty or responsibility so imposed.

D. Each department shall furnish, upon the direction of the city manager, any other department such available service, labor and materials as may be requisitioned by the head of such department. Any such items shall be furnished through the same procedure and subject to the same audit and control as other expenditures are incurred.

E. All departments within the city shall:

1. Be open during regular business hours as defined by the city manager.

2. Regularly deposit with the city treasurer any public monies as specified by the city treasurer in accordance with applicable law.

3. Pay out city monies only in the manner prescribed by law, ordinance and city policy.

2.50.050 Personnel policies and procedures generally.

The city may establish and adopt personnel policies and procedures consistent with all applicable ordinances, laws and regulations for the efficient administration, organization, operation, and conduct of its personnel.

2.50.060 Personnel director.

The city manager is hereby designated as the city's personnel director to insure just and equitable employment conditions and to promote positive and efficient working morale for all city personnel. As personnel director, the city manager shall implement and maintain the provisions of this chapter and perform other duties as required by ordinance, resolution or policy of the city council. The city manager may delegate performance of his responsibilities under this section to a human resources director, personnel director, or other appropriate officer, employee or agent of the city.

2.50.070 Equal opportunity employer.

The city is an "equal opportunity employer" and, as such, shall not improperly discriminate in the hiring, employment or promotion of its employees on the basis of race, sex, color, national origin, age, religion, disability or status as a veteran in accordance with applicable state and federal laws.

2.50.080 Rules of conduct.

All employees of the city shall conduct themselves in an appropriate manner in accordance with the personnel policies and procedures adopted by the city. City employees also shall be subject to and shall comply with provisions of the Municipal

Officers' and Employees' Ethics Act, UTAH CODE ANN. §10-3-1301, *et seq.*, and any similar provisions set forth in this title.

2.50.090 Personnel file.

A personnel file shall be kept for each city employee, excluding elected officials, volunteers and contractors. The file shall contain a copy of all records relating to employment of the employee including, without limitation, records regarding hiring, compensation, leave, personal time off, awards, grievances, disciplinary actions, education, training programs, and any other relevant records. All personnel records shall be maintained, classified and accessed in accordance with the Government Records Access and Management Act and applicable city ordinances.

2.50.100 Compensation.

City employees shall be compensated in accordance with a schedule of salary rates or ranges for each job classification as set forth by the city manager and approved by the city council. In arriving at the salary rates or ranges, the city manager and city council may consider the prevailing rates of pay and working conditions for comparable work in other public agencies and private employment, current costs of living, suggestions of department heads, city financial condition, policies, procedures and other relevant considerations.

2.50.110 Benefits.

City employees may receive such benefits as may be provided in the city's approved personnel policies and procedures or as required by law.

2.50.120 Sexual harassment.

Sexual harassment in any form is prohibited and shall be addressed as specified in the city's adopted personnel policies and procedures.

2.50.130 Discipline.

Employees may be disciplined for good cause through informal or formal disciplinary action in accordance with the personnel policies and procedures adopted by the city.

2.50.140 Duration of employment.

A. City employees shall hold employment without limitation of time, being subject to discharge, suspension of over two days without pay, or involuntary transfer to a position with less remuneration, only as provided in UTAH CODE ANN. §10-3-1106 or any successor statute. This section does not apply to any police chief or deputy police chief, fire chief or deputy/assistant, the head or deputy head of any municipal department, a probationary employee, a part-time employee, a seasonal employee, or any other person covered by UTAH CODE ANN. §10-3-1105(2) or any successor statute.

B. No city employee covered by this section shall be discharged, suspended for over two days without pay, or involuntarily transferred to a position with less remuneration because of the employee's politics or religious belief, or incident to, or through changes, either in the elective officers, governing body, or heads of departments. In the event of such an improper discharge, suspension or transfer, the affected employee shall have the right to appeal such action to the city's employee appeal board under chapter 2.180 of this title.

C. Notwithstanding anything to the contrary in any city policies, procedures, resolutions, practice, or customs, no city officer or employee shall have any property right in any expectation of continued employment by the city unless expressed in a writing authorized by resolution of the city council.

2.50.150 Separation from service.

Employees may be separated from service with the city in the following manner:

A. Resignation. An employee desiring to discontinue his or her employment with the city shall file a written resignation with the department head stating the effective date of resignation and the reasons for resignation at least two (2) weeks prior to the effective date of resignation.

B. Reduction in Force (RIF). An employee may be laid off by the city due to change in the organization of city personnel, material change in the duties of the employee's position, shortage in the work requirements of the city, shortage in the funding of the city, or when otherwise necessary in the best interest of the city.

C. Dismissal. An employee may be dismissed by the city for any reason permitted by law; provided however, that any such dismissal shall be accomplished in accordance with the city's personnel policies and procedures and all applicable law.

2.50.160 Internal grievance procedure.

A. Subject to any contrary requirements of law, an employee with a job-related grievance shall exhaust the procedure set forth in this section before seeking resolution of such matter through the city's employee appeal board under chapter 2.180 of this code (if available for the grievance in question) or the courts.

B. Any misunderstanding, conflict or problem must first be discussed with the employee's immediate supervisor to allow that supervisor the opportunity to resolve the misunderstanding, conflict or problem, except in situations where such approach would be patently unreasonable (such as a sexual harassment problem with such supervisor).

C. If the misunderstanding, conflict or problem is not resolved after discussion with the employee's immediate supervisor, the employee may request a meeting with the city manager. Typically, the city's human resource director also should attend such meeting. The city manager will consider the facts, conduct an investigation, and may also review the matter with the human resource director and/or the city attorney. The city manager will respond to the employee within ten (10) working days of the meeting with the employee.

D. If the employee is not satisfied with the city manager's decision or the city manager does not respond within ten (10) working days after the meeting with the employee and the employee wishes to continue the appeal, then the employee may pursue such appeal to the employee appeal board (if available for the grievance in question) or the courts.